

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC., Plaintiff / Counterclaim Defendant,	)	
v	)	Civil Action No. 05-10917 PBS
J.T. POSEY COMPANY, Defendant / Counterclaim Plaintiff.	)	

**DECLARATION OF EDWARD GOODWIN IN OPPOSITION TO POSEY'S  
MOTION TO STRIKE SUPPLEMENTAL REPORT  
OF ROY J. EPSTEIN AND HIPSAVER'S SUPPLEMENTAL  
TO SUBMISSION OF HIPSAVER**

I, Edward Goodwin, make this Declaration on the basis of personal knowledge and under penalty of perjury.

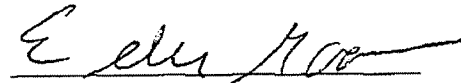
1. I am co-owner and President of the HipSaver Company.
2. In this Declaration, I offer summary data of HipSaver's 2006 sales.
3. In a declaration that I submitted on January 8, 2007, in support of HipSaver's Opposition to Posey's Motion for Summary Judgment [D.N. 179], I stated that HipSaver's 2006 revenues were "flat." In May 2006, after summarizing the U.S. sales data (which requires removing foreign sales from the data), we completed summarizing our 2006 U.S. sales data,<sup>1</sup> and found that HipSaver's U.S. sales increased in 2006.

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<sup>1</sup> Compiling a summary of the U.S. sales data requires that HipSaver manually remove all foreign sales.

4. Attached as **Exhibit 1** is a true and correct copy of a summary of HipSaver's total U.S. sales data for 2001 through 2006 that was submitted in support of HipSaver's Supplemental Submission.
5. Attached as **Exhibit 2** is a true and correct copy of a revised summary of HipSaver's total U.S. sales data from October 2003 through September 2006. In preparation for this Opposition, I reviewed the summary data again and identified some foreign sales that should not have been included. These foreign sales have been removed. This summary represents the total 2006 U.S. HipSaver sales.
6. Attached as **Exhibit 3** is a true and correct copy of the summary of HipSaver's U.S. non-VA sales data from October 2003 through September 2006.
7. Attached as **Exhibit 4** is a true and correct copy of a listing of all large chain homes to which HipSaver sold the DermaSaver product from 2005 through the present and a summary of DermaSaver sales for 2005 through 2006.

Signed under the pains and penalties of perjury on this 5<sup>th</sup> day of June, 2007.

  
Edward Goodwin

# **EXHIBIT 1**

**FILED UNDER SEAL**

**EXHIBIT 2**  
**FILED UNDER SEAL**

**EXHIBIT 3**  
**FILED UNDER SEAL**

**EXHIBIT 4**  
**FILED UNDER SEAL**